

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE DIRECTOR OF THE UNITED STATES PATENT AND
TRADEMARK OFFICE**

In the Matter of:

Robert M. Bohanek,

Respondent

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Proceeding No. D2014-30

FINAL ORDER PURSUANT TO 37 C.F.R. § 11.25

Pursuant to 37 C.F.R. § 11.25, the interim suspension of Robert Michael Bohanek (“Respondent”) from the practice of patent, trademark, and other non-patent law before the United States Patent and Trademark Office (“USPTO”) is hereby ordered for violation of the ethical standards set out in 37 C.F.R. §§ 11.804(b) and 11.804(i). It is further ordered that the “Disciplinary Complaint Pursuant to Under 35 U.S.C. § 32 and 37 C.F.R. § 11.25” be referred to a hearing officer for the purpose of conducting a formal disciplinary proceeding.

Background

On May 28, 2014, in the case of *The State of Texas v. Robert Bohanek*, Case No. 13-0508-K277, before the 368th Judicial District Court of Williamson County, Texas (“the District Court Case”), Respondent agreed, signed, and entered into Waivers, Consent, Judicial Confession & Plea Agreement, through which Respondent judicially confessed to committing the offense of Online Solicitation of a Minor for Sexual Conduct, agreed to plead guilty to said offense, and waived any right to appeal. By Order of Deferred Adjudication; Community Supervision in the District Court Case, filed June 11, 2014, with a date of judgment of May 28, 2014, the Court stated that Respondent had entered a plea of

guilty to the offense of Online Solicitation of a Minor for Sexual Conduct, Section 33.021(c) of the Texas Penal Code.

On June 27, 2014, a "Notice and Order Pursuant to 37 C.F.R. § 11.25" ("Notice and Order"), sent by certified mail to both the address provided by Respondent to the Director of the Office of Enrollment and Discipline ("OED Director") pursuant to 37 C.F.R. § 11.11(a) and to an address the OED Director reasonably believes Respondent receives mail (receipt nos. 7014051000004424157 and 70140510000044241371), notified Respondent that the OED Director had filed a "Request for Notice, Order, Interim Suspension, and Referral for Further Proceedings pursuant to 37 C.F.R. § 11.25" along with a "Disciplinary Complaint pursuant to 35 U.S.C. § 32 and 37 C.F.R. § 11.25" ("Complaint.") The Notice and Order further stated that the OED Director has requested entry of an order imposing upon Respondent an interim suspension from practice before the USPTO while formal disciplinary proceedings against Respondent are being conducted. The request for interim suspension was predicated on proof that Respondent committed a serious crime, namely, the felony offense of Online Solicitation of a Minor for Sexual Conduct, Section 33.021(c) of the Texas Penal Code. The Notice and Order was delivered to Respondent on July 3, 2014.

The Notice and Order directed Respondent to file, within (40) forty days, a response containing information sufficient to establish a genuine issue of material fact based upon any of the grounds permissible under 37 C.F.R. § 11.25(b)(3). Respondent has not filed a response to the Notice and Order.

In light of Respondent's failure to file a response, it is hereby determined that: 1) there is no genuine issue of material fact under 37 C.F.R. § 11.25(b), and 2) the interim suspension of Respondent from the practice of patent, trademark, and non-patent law before

the USPTO and referral of the Complaint to the ALJ for the purpose of conducting a formal disciplinary proceeding is appropriate.

ACCORDINGLY, it is hereby **ORDERED** that:

1. Respondent is hereby suspended on an interim basis from the practice of patent, trademark, and other non-patent law before the USPTO in accordance with 37 C.F.R. § 11.25(b), commencing on the date this Order is signed
2. Respondent shall remain suspended from practice before the Office in patent, trademark, and other non-patent matters until the OED Director grants a petition requesting Respondent's reinstatement pursuant to 37 C.F.R. § 11.60;
3. Respondent is granted limited recognition to practice before the Office commencing on the date this Order is signed and expiring thirty (30) days after the date this Order is signed, with such limited recognition being granted for the sole purpose of facilitating Respondent's compliance with the provisions of 37 C.F.R. § 11.58(b);
4. The Complaint (a copy of which is attached hereto) is hereby referred, in accordance with 37 C.F.R. § 11.25(b)(5), to a hearing officer at the U.S. Department of Housing and Urban Development for the purpose of conducting a formal disciplinary proceeding;
5. Pursuant to 37 C.F.R. § 11.36, within thirty (30) days from the date of this Final Order, Respondent's written answer to the Complaint shall be filed with the hearing officer addressed as follows:

If sent by mail: Docket Clerk
 HUD Office of Hearings and Appeals
 451 7th Street, S.W.
 Room B-133
 Washington, D.C. 20410

If hand-delivered: Docket Clerk
HUD Office of Hearings and Appeals
409 3rd Street, S.W.
Suite 201
Washington, D.C. 20024

and Respondent must also file a PDF version of the answer with the hearing officer via email

to:

alj.alj@hud.gov

and a copy of the answer shall be served on the OED Director by mail to:

Mail Stop 8
Office of the Solicitor
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-14506.

6. The OED Director shall publish the following Notice in the *Official Gazette*:

NOTICE OF INTERIM SUSPENSION

This Notice concerns Mr. Richard Michael Bohanek of Converse, Texas, who is a registered patent attorney (Registration Number 52,627). Mr. Bohanek has been suspended from practice before the United States Patent and Trademark Office in patent, trademark, and other non-patent matters on an interim basis pursuant to 37 C.F.R. § 11.25(b) for having pled guilty to the offense of Online Solicitation of a Minor for Sexual Conduct, Section 33.021(c) of the Texas Penal Code, a felony.

This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. §§ 11.25 and 11.59. Disciplinary decisions regarding practitioners are posted at the Office of Enrollment and Discipline's FOIA Reading Room electronically located at:

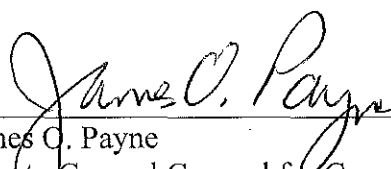
<http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>

7. The OED Director shall give notice of the Final Order to: i) appropriate employees of the USPTO; ii) interested departments, agencies, and courts of the United States; and iii) appropriate authorities of any state in which Respondent is known to be a member of the bar;

8. Respondent shall comply with 37 C.F.R. § 11.58;
9. The USPTO shall disassociate Respondent's name from any Customer Numbers and the public key infrastructure ("PKI") certificate associated with those Customer Numbers;
10. Respondent shall not apply for a USPTO Customer Number, shall not obtain a USPTO Customer Number, nor shall he have his name added to a USPTO Customer Number, unless and until he is reinstated to practice before the USPTO;
11. If Respondent seeks a review of this suspension, any review shall not operate to postpone or otherwise hold in abeyance the suspension;
12. Such further relief as the nature of this cause shall require

AUG 19 2014

Date


James C. Payne
Deputy General Counsel for General Law
United States Patent and Trademark Office

on behalf of

Michelle K. Lee
Deputy Under Secretary of Commerce for Intellectual
Property and Deputy Director of the United States Patent and
Trademark Office